

March 16, 1971

Honorable William Proxmire
U. S. Senate
Washington, D.C. 20510

Dear Bill,

The Genocide Convention has evidently been a top priority issue for you for quite some time, judging from your almost daily references to it in the Congressional Record.

As a Jew and as a human being I must also treat this issue with the utmost gravity. I am somewhat at a loss, however, to understand what would be the actual useful consequences, if any, of our adhering to the convention. I realize that this is a proposition against which it is impossible to be opposed! I am, however, distressed by the very loose way in which the expression "genocide" has already come to be used and many of your colleagues in the Senate may be reluctant to go along with you for fear of encouraging still more rhetoric with no useful action.

I note that your own discussions of this problem have focussed on a very careful analysis of the legal implications of ratifying the convention. In fact, in order to reassure some of your potential critics your analysis suggests that the implementation of the convention would be so limited by national discretion as to be virtually meaningless.

May I make a suggestion that may further the substantive consideration of the treaty. That is, that you develop and display the draft legislation that, in your view, would represent the implementation of the Genocide Convention were it to be ratified. This would help expose several points, including: the extent to which our existing pattern of law does or does not already meet the standards of the treaty, and the extent to which the adoption of the treaty would allow for national legislation, not in conflict with the Constitution but not otherwise authorized by it, to meet these goals.

In my own view, the Genocide Convention without the means of international enforcement would be a gesture of futility that would undermine faith in the substantive role of international organizations and agreements. However, I am prepared to be dissuaded by arguments that (a) our pattern of domestic national law might be favorably influenced by adoption of the treaty or (b) that our adherence to the convention might indeed have some influence on the behavior of other governments.

Sincerely yours,

Joshua Lederberg
Professor of Genetics

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Honorable William Proxmire

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P.S. If any recent hearings on this subject are available I would be grateful for a copy; in particular I would be interested to know which countries have adopted the Genocide Convention and ways in which they have expressed their adherence to it in their own domestic law.